



ASH GROVE CEMENT WEST, INC.

Inter-Office Memorandum September 19, 1989

Date _____

To Jim Post From Ken Rone

Copies to Steve Sheridan Subject West Terminal Emissions

Our operations at the West Terminal must comply with the provisions of Regulation I published by the Puget Sound Air Pollution Control Agency (PSAPCA). PSAPCA was established by the Washington Clean Air Act, RCW 70.94.

The area in which we are deficient and I see as the greatest risk is the inability to contain emissions generated in the ship's hold. These emissions are worst during clean up by the front end loader but are in excess of the regulation at various times during all phases of the unloading. The balance of our operations are well within compliance.

The unloading of the ship's holds appear at times to violate the following regulations:

Article I

Sec. 9.03 VISUAL STANDARD - Emissions cannot be of such opacity as would obscure an observers view equal to smoke of a density equal to 20%, for a period more than 3 minutes in any hour.

Sec. 9.04 DEPOSITION OF PARTICULATE MATTER - Particulate matter cannot be deposited on the property of others that will interfere with the enjoyment of life or property.

Sec 9.15 FUGITIVE DUST - Similar to the above but also adds the requirement that reasonable precautions to prevent such emissions must have been made ahead of time.

Sec 9.20 MAINTENANCE OF EQUIPMENT - One cannot operate an emission control device unless it is in good working order. This is significant in that the unloader dust collection system can reduce dust generated by the screws and elevator but due to the horizontal design of the ducting, it becomes ineffective.

Penalties for noncompliance with Regulation I are as follows:

- A normal violation is a \$1000 fine and/or 90 days. It is a misdemeanor.

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- A willful violation is a gross misdemeanor and subject to a \$100 fine and/ or one year in jail.
- A continuing violation shall be handled as a separate occurrence each day.
- After an opportunity for compliance has been made, the Board may issue a temporary or permanent restraining order.
- In addition or as an alternate a civil penalty of up to \$1000/day may be issued except for opacity violations which are \$400/day.
- The Washington Department of Ecology can issue fines of \$5000/day after all other opportunities for compliance have been exhausted.

You should note that a variance may be issued if no known means of control exist, the emission is not unhealthful to the public, and that compliance would result in serious hardship without greater benefit to the public (Sec. 7.01). Also, though the Duwamish Valley is a nonattainment area for particulate matter, there are no special conditions for enforcement of particulate emissions except as they apply to new sources.

If there is anything further I can do or you still have some questions, I will be glad to pursue them for you.

A handwritten signature in black ink, appearing to be 'J. Post', located at the bottom right of the page.